

St Cuthbert's C of E Infant School

Use of Reasonable Force Policy

Next Review – March 2018

Principles

This policy follows Government guidance on the circumstances in which use of reasonable force may be used. Whilst academy, our infant school, staff aim to help children take responsibility for their own behaviour through a combination of approaches including:

- Teaching an interesting and challenging curriculum
- Positive role modelling
- Social Stories and role play
- Rewards- Good to be Green
- Three clear school rules: 1] To be Kind, 2] Take time to think and 3] Try your best
- Kindness rewards and display- valued with community Collective Worships weekly
- Setting and enforcing appropriate boundaries and expectations through calmness and clarity
- Bespoke curriculum and resources focussing on the needs of each individual child
- Use of ILP, IEPs and outside agencies for positive behaviour planning
- Nurture at the heart of our school philosophy with fully trained staff
- Emotion coaching script used to deescalate behaviours
- Restorative justice and modelled empathy
- And providing supportive feedback to all parties including good liaison with home

The academy acknowledges there may be exceptional circumstances when “reasonable force” is an appropriate response to the risks presented in a given situation. This intervention must be reasonable and proportionate in relation to the situation and take into account reasonable adjustments for students with disabilities and students with SEN. The policy is consistent with related policies on Child Protection and Equal Opportunities. The majority of school staff (12) are trained on *Team Teach* practices and all staff are aware of the supportive script used across the school.

What is reasonable force?

The term “reasonable force” covers a broad range of actions that involve a degree of physical contact with pupils and is usually used to control or restrain and must be “reasonable” in the circumstances which means using no more force than is needed. Control means either passive physical contact or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control although this is typically used in more extreme circumstances. Academy staff should always avoid causing injury but in extreme cases it may not be possible to avoid.

What about other physical contact with pupils?

It is not illegal to touch a pupil. The academy recognises that there are occasions when physical contact is proper and necessary. For example:

- when demonstrating PE / drama/ dance/ vocational / practical skills
- when providing first aid
- comforting a child in distress
- when supporting a child with SEN
- when giving praise or congratulations

In such situations, staff will apply sound professional judgment – touch will be appropriate and will avoid situations or contact that could be misinterpreted.

Who can use reasonable force?

All members of academy staff have a legal power to use reasonable force on a student and as such do not require parental consent.

When reasonable force be used?

Principally the main reason for use of reasonable force in a school is to maintain or restore safety. Section 93 of the Education and Inspections Act 2006 enables all members of school staff to use such force as is reasonable and proportionate to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
- Causing personal injury to, or damage to the property of, any person (including the pupil him/herself)
- Or prejudicing the maintenance of good order and discipline during a teaching session or otherwise
- And other such circumstances as described in the Act.

Staff are advised to consider all options before using reasonable force and remember that the use of physical intervention is a “last resort.” The degree or level of physical restraint must be proportionate to the risk or damage that would otherwise happen. For example, we would treat differently a child who was repeatedly trying to break the glass in a window as opposed to a child tearing pages out of a text book.

The power to use reasonable force applies on the academy, school, premises or elsewhere when under academy control, for instance on school trips.

The academy will not use reasonable force in anger or as punishment.

1 “Use of Reasonable Force” July 2013

2 Section 93, Education and Inspections Act 2006

Are there powers to search pupils without consent?

In addition to the powers for members of staff to use reasonable force mentioned above, there are authorised staff at the academy to whom the Head teacher has delegated authority to conduct any necessary searches without consent for the following prohibited items such as knives and weapons, alcohol, illegal drugs, tobacco and cigarette papers, stolen items, fireworks, pornographic images or any article that has been or is likely to be used to commit an offence, cause personal injury or damage property.

In such cases, the Head teacher or Deputy Head teacher or SENCO has explained to those authorised staff what the authority entails. Authorised staff are strongly advised to consider the risk carefully and call the police if resistance is expected. Safety is always paramount and staff are not required or advised to use restrictive physical intervention if it is likely to put their own safety or the safety of others at risk.

Force can only be used to search without consent for prohibited items listed under the Education Act and not for items banned under the school rules, for example, mobile phones.

What type of restrictive physical intervention can and cannot be used?

Where an individual student's behaviour is likely to need physical management such as restrictive physical intervention, the academy ensures that identified staff are authorised and will have received the appropriate training. Any use of restrictive physical intervention should be consistent with the principle of reasonable force.

If any authorised staff are aware of a situation that is developing, the following steps should be taken:

- In all situations de-escalation techniques are first used, unless this could result in risk of harm
- tell the pupil to stop, and inform them of the consequences should they continue
- warn the child that physical restraint will be used if they do not do as they are asked
- keep calm and do not give the impression you have lost your temper
- send for assistance - in certain circumstances staff should not intervene without help - most obviously where they feel at risk of personal injury if they do so. Assistance from colleagues, and if necessary the police, should be sought. Staff should use the *Team Teach* script to support each other.
- Send/ move other children away, if possible
- tell the pupil that you are restraining him / her to avoid the student harming themselves, others or property. Where potential witnesses are present it is helpful if they hear you give this explanation
- physical intervention should be an act of care and control
- use only the appropriate amount of force as necessary
- attempt to communicate with the child throughout the incident
- be sensitive of your own strength and body weight and to issues of gender and/or student's special needs or disabilities, conduct a safe and well check when the pupil is calm and released from restraint or after the use of reasonable force

- inform the Head teacher or Deputy Head teacher immediately, if he or she has not been involved
- record the incident fully with a serious incident log and ensure the record is kept in the serious incident file, where force has been used it must be entered in the bound and numbered book

Appropriate force may include:

- physically interposing between students
- blocking a pupil's path
- holding / leading a pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back
- using restrictive holds in extreme circumstances

All of these should be the methods demonstrated and practiced during the Team Teach training.

Staff should not act in ways that might reasonably be expected to cause injury, for example by:

- Holding a child around the neck or collar or in any other way that might restrict the child's ability to breathe
- Slapping, punching or kicking a child
- Twisting or forcing a limb against a joint
- Tripping a child
- Holding a child by the hair or an ear

The academy will make staff aware of any individual behaviour plans or specific needs of students, especially for any students with disabilities, which may impact on the range, type and appropriateness of any physical intervention.

Who can use restrictive physical intervention?

Only authorised trained staff have the authority to use restrictive physical intervention, in our academy 12 staff are trained in *Team Teach* and all staff know the script to request help.

The academy expects that all staff that may have occasion to undertake restrictive physical intervention have regard for Guidance issued by the Department for Education.

Recording and Reporting

Each significant and serious incident, where a member of staff uses force on a pupil must be recorded. Staff should complete a Serious Incident Report Form within 24 hours. A copy of this sheet must be sent to the Head teacher/Deputy Head copied into the Head teacher within one school working day of the incident, a record should be kept in the serious incident file. If the use of reasonable force has been used then records should be completed in the bound and numbered book.

The academy will advise all those with parental responsibility of serious incidents involving the use of force. In deciding what is a serious incident, the academy will use their professional judgment and consider the

- pupil's behaviour and level of risk presented at the time of the incident
- degree of force used
- effect on the pupils or member of staff and
- the child's age

The Serious Incident Report Form and Bound and Numbered records are important legal documents and will be kept on file by the Head teacher/Deputy Head.

Monitoring

The Head teacher/Deputy Head have responsibility for monitoring, analysing and taking appropriate action in response to the use of restrictive physical intervention. Such analysis should include a consideration of the Equality Act 2010 as well as any trends across members of staff or job roles, time of day and settings. This analysis should be reported back to the Senior Leadership Team.

Concerns and Complaints

The use of restrictive physical intervention is distressing for all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use.

The presence of a mark or bruise does not necessarily imply that excessive force was used, nor does the absence of a mark or bruise imply that excessive force has not been used. Any enquiries about the use of restrictive physical intervention will need to take into consideration the use of reasonable force and whether correct procedure had been followed. This will involve consideration of whether the use of force was in proportion to the circumstances and the way in which the force was applied.

All complaints about the use of force will be thoroughly, speedily and appropriately investigated in line with the complaints policy.

The academy will take seriously any concern, complaint or allegation against a member of staff for assault beyond the use of reasonable force which will be dealt with under the academy policy "Dealing with Allegations of Abuse Against Teachers and other Staff ". The academy will make a written record of any concern, complaint or allegation, as well as any enquiries and the actions taken in response.

Records

- Record
- Where kept
- Retention time (Min)
- Disposal authority
- Physical Intervention Form
- Deputy Head
- Date of Birth of the Pupil plus 25 years
- Head teacher

Revision

This document will be reviewed annually. Amendments will be marked with a black vertical line in the margin.

Distribution

The Business Manager shall retain a hard copy of this procedure and distribute controlled copies as required. Electronic copies shall be available via the staff support on the computer network, the academy website.

Implementation

The requirements of this procedure are mandatory and apply from receipt of this document.

Related Policies:

- Dealing with Allegations of Abuse Against Teachers and other Staff
- Child Protection and safeguarding Policy
- Behaviour Policy
- Complaints Policy
- Whole School Equality Policy
- Serious Incident Reporting Form & Bound and Numbered Book

All the above policies are available on the academy website or on request from academy reception.